



IMPERIAL COUNTY

## PLANNING & DEVELOPMENT SERVICES

PLANNING / BUILDING INSPECTION / ECONOMIC DEVELOPMENT / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER, AICP, CEP, CBO  
PLANNING & DEVELOPMENT SERVICES DIRECTOR

CERTIFIED MAIL #7003-2260-0003-7209-5727 & #7003-2260-0003-7209-5741

December 28, 2006

Margalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First St. NE, Room 1A  
Washington, DC 20426

Tom Filler  
California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825

**SUBJECT: Response to Draft EIS/EIR for North Baja Pipeline Expansion  
SCH #2006081127/Draft BLM Land Use Plan Amendment**

Dear Ms. Salas and Mr. Filler:

The Imperial County Planning & Development Services Department has received on September 26, 2006, the proposed "Draft Environmental Impact Statement and Environmental Impact Report (Draft EIS/EIR)" for North Baja Pipeline Expansion submitted by TransCanada Pipelines Limited (TransCanada), North Baja System, Portland, Oregon.

The County has previously responded on the project's NOI (Notice of Intent for Preparation of an EIS/EIR) and the following are the staff's comments on the Draft EIS/EIR proposed expansion:

- LA11-1 1) The Draft EIS/EIR, 5.0 Conclusions and Recommendations, 5.1 Summary of the Staffs' Environmental Analysis, and 5.2 Alternatives Considered, page 5-2, states the following:

"...The No Project Alternative was considered...This might lead to alternative proposals to develop natural gas delivery or storage infrastructure, reduced use of natural gas, and/or **the use of other sources of energy**...Denying North Baja's applications could force potential natural gas customers to seek regulatory approval to use other forms of energy. California regulators are promoting renewable energy programs to **help reduce the demand for fossil fuels**. While renewable energy programs can contribute as an

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ECON. DEV. OFFICE: 836 MAIN ST., EL CENTRO, CA 92243 (760) 482-4900 FAX: (760) 337-8907 (AN EQUAL OPPORTUNITY EMPLOYER)

## Local Agencies

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LA11-1

In the United States, the majority of natural gas use for the next 20 years is predicted to be for electric generation and for use by industry. In California, electricity production from fossil fuels (including natural gas) accounted for about 58 percent of the total electricity production in 2003. Non-hydro renewable resources in 2003 (Energy Information Administration 2005 [see [http://www.eia.doe.gov/cneaf/solar/renewables/page/non\\_hydro/nonhydrorenewablespaper\\_final.pdf#2.3](http://www.eia.doe.gov/cneaf/solar/renewables/page/non_hydro/nonhydrorenewablespaper_final.pdf#2.3)]) accounted for about 9 percent of the total electricity produced in the State. Of the 9 percent of non-hydro generated electricity, about 3 percent resulted from solar-derived production. Consequently, in the foreseeable future, solar energy production, although important as a renewable form of energy, will not by itself contribute in a major way to the energy needs of California. Even allowing for California's ambitious goal of obtaining 33 percent of its energy from renewable sources by 2020, energy users in California will continue to depend on non-renewable sources of energy such as natural gas (California Energy Commission [CEC] 2004).

LA11-1  
(cont'd)

energy source for electricity, they cannot at this time **reliably** replace the need for natural gas or provide sufficient energy to keep pace with demand..." (emphasis added).

The County finds that development of non-fossil fuel energy resources is paramount and strongly disagrees with the Draft EIS/EIR conclusions and recommendations.

The FERC, CSLC and BLM staffs' are intimately aware of the future potential development of the County's indigenous geothermal energy resources. Also, the Governor and his staff are proposing to have one million photovoltaic systems in place for residential, commercial and industrial uses within the next ten (10) years.

Furthermore, all of the public utilities in the State of California have to meet their renewable portfolio standard of 20% renewable energy requirements by the year 2010.

a) The reliability of geothermal power plants as a "base load" power source is undisputed as one of the **"most reliable"** sources of electrical energy generation. The potential development of significant amounts of wind, solar, or nuclear power to meet the State's burgeoning demand for future electrical power are considered to be expensive alternatives to the development of geothermal energy.

It is very important that the full development of our natural indigenous geothermal sources be exploited prior to seeking to further foreign natural gas resources and the expansion of the Mexican gas pipelines will necessarily increase the future need and dependence on more foreign natural gas. Such resources could become threatened, crippled, or destroyed in the future due to unforeseen attacks by "terrorists" or for other political reasons.

In order to continue to **"reduce the demand for fossil fuels"** from foreign fuel sources and adding to the "global warming" created by natural gas powered developments, it is necessary that local renewable energy resources be developed.

b) The existing geothermal resource capacity has been estimated at "2,000 MW's at the Salton Sea" and the CalEnergy, Salton Sea Unit #6, 215 MW, geothermal power plant has received all of its required permits from the federal, state and local governments to date. The proposed 215-MW power plant, if constructed, would in fact provide the electrical energy for approximately 215,000 new residential units.

## Local Agencies

LA11-1  
(cont'd)

The total estimated capacity of "2,000 MW's" of geothermal energy in Imperial County, when fully developed, is calculated to reduce the need for approximately **nine (9) million barrels of foreign oil**. In developing this indigenous geothermal resource, it can provide a future electrical energy source for residential, commercial and industrial purposes in California and the Western United States.

c) There are proposals in the County for solar energy (Sterling Energy's 300-MW mirror array), photovoltaic projects, future wind energy projects, and Imperial Irrigation District's "green path" transmission line project that could assist in reducing dependence on foreign oil resources.

d) The development of the existing geothermal "green" energy enhances the United States "homeland security" by maintaining any new transmission lines totally within the United States and does not have to rely on Mexican law enforcement to protect and defend against an attack or political manipulations on Mexican natural gas/LNG storage and Mexican gas pipelines.

LA11-2

- 2) Since 2001, the County has on numerous occasions in previous written comments on the initial natural gas North Baja Pipeline project, that the construction and operation of future Mexicali natural-gas powered plants, as well as future commercial and industrial projects from natural gas in Mexico will cause a cumulative degrading of air quality both in the Mexicali and Imperial Valley areas.

Unfortunately, the September 25, 2006 letter by Henry P. Morse, Jr., General Manager of TransCanada, regarding the improving of air quality in the "region" has proven not to be the case. The Mexicali power plants have not provided air quality "off-sets" that power plants constructed in the State of California would have been required to provide.

**The position taken by the proponents that air quality would be enhanced in other parts of Mexico, e.g. the Ensenada region, due to constructing new or re-powering existing power plants does not help to improve regional air quality in either the Imperial Valley or Mexicali Valley.**

LA11-3

- 3) The State Air Resources Board (ARB) is mandated by state law to ensure that all projects shall meet and comply with the CEQA requirements for future air quality impacts due to a "project" wherever located in the state.

**However, even though the Imperial County Air Pollution Control District (APCD) has provided extensive air quality comments on the North Baja Pipeline project and the future potential adverse impacts, the State ARB has not supported the County's position in regards to air quality degradation due to this project within Imperial County.**

## Local Agencies

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LA11-2

Section 4.15.8 includes a cumulative impacts evaluation of the existing and anticipated facilities located in Mexico across the border from Imperial County. The cumulative impacts presented are associated with the maximally impacted receptor location at or near the U.S. border and demonstrate that the operation of the Mexican facilities would likely not result in significant impacts in the vicinity of or across the U.S. border in California. Section 4.15.8 has been revised to include additional details regarding the criteria used to make this determination.

LA11-3

Imperial County Planning and Development Services' comments regarding the State Air Resources Board are noted. These comments, however, do not directly relate to the environmental issues analyzed within the contents of the draft EIS/EIR. Thus, no changes to the document are necessary.

Margalie R. Salas &  
Tom Filler  
Draft EIS/EIR Response  
Page 4 of 4

LA11-4

- 4) The natural gas lateral pipeline to the Imperial Irrigation District will impact local County roads, require obtaining County road rights-of-way, impact local farmlands, impact wildlife habitat, and will require an SB-18 consultation with the Indian Tribes within the County. The Final EIS/EIR should provide the analysis and mitigation for the above pipeline construction impacts within the designated utility corridor.

In Summary:

LA11-5

The County formally requests that all comments and concerns expressed in this letter be responded to in the Final EIS/EIR and that the County receive both a hard copy and CD of said Final EIS/EIR. The County finds that the proposed North Baja Pipeline Expansion Project and the resulting Mexican projects' will continue to cumulatively adversely impact the region's air quality due to new construction of future natural gas-fired commercial, industrial and/or power plants in the Mexicali area without adequate mitigation or appropriate "off-sets". Any future increases of higher concentrations of air pollutants into the Salton Sea Air Basin could cause violations of the National Ambient Air Quality Standards to occur creating greater health risks.

In order to protect the County's health, welfare and safety of both existing and future residents, the FERC, the State Lands Commission and the State Air Resources Board should support Imperial County's efforts in stemming any future air contamination that originates in Mexico and help advance the Imperial County Air Pollution Control District's position at both the Federal and State levels.

If you have any questions, please feel free to contact me at (760) 482-4236, extension 4279, or by e-mail at [darrellgardner@imperialcounty.net](mailto:darrellgardner@imperialcounty.net)

Sincerely,



Darrell Gardner,  
Assistant Planning & Development Services Director

cc: Board of Supervisors  
Deborah Jordan, Air Director, Region IX EPA  
Catherine Witherspoon, Executive Director, CARB  
Congressman Bob Filner  
Senator Diane Feinstein  
Senator Barbara Boxer  
Senator Denise Ducheny  
Assemblywoman Bonnie Garcia  
Robertta Burns, County Executive Officer  
Ralph Cordova, County Counsel  
Stephen L. Birdsall, Ag. Comm/APCO  
Bill Powers, Border Power Plant Working Group  
Jurg Heuberger, Planning & Development Services Director  
Jim Minnick, County Planning Division Manager  
State Lands Commission Correspondence File  
Northern Baja Pipeline Expansion Project File  
File: 10.101, 10.105, 10.130, 10.133, 10.134, 40.110

MS/S/PlanningClerical Response to North Baja Pipeline Expansion Project Finalized MS

## Local Agencies

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LA11-4

The IID Lateral is analyzed in each of the major resource topics in Section 4 of the EIS/EIR.

LA11-5

Imperial County Planning and Development Services' comments are noted. See the responses to comments LA11-1 to LA11-4. One hard copy and one CD that can be read by a computer with a CD-ROM drive of the final EIS/EIR will be sent to the county at the letterhead address.

CITY COUNCIL  
Mark Gran - Mayor  
Geoff Dale - Mayor Pro - Tem  
Rick Breland - Council Member  
Doug Cox - Council Member  
Betty Sampson - Council Member

CITY CLERK  
Debra Jackson

CITY TREASURER  
Steve Shaner

## CITY OF IMPERIAL

INCORPORATED 1904



ORIGINAL

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Imperial, California 92251  
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Fax (760) 355-4718  
<http://www.imperial.ca.gov>

CITY ATTORNEY  
Dennis Morita  
Dennis H. Morita A.P.C.

January 8, 2007

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First St. NE: Room 1A  
Washington, DC 20426

RE: Docket Nos. CP06-61-000 and CP01-23-003

Dear Ms. Salas,

The City of Imperial wishes to acknowledge the efforts made by Kathleen Russeth of Russeth Strategic Communications in making information and presentations available in regards to the North Baja Pipeline Expansion Project.

We support the proposed expansion of the pipeline and in doing so, adopted Resolution No. 2006-72. This action was taken by the City Council of the City of Imperial on November 1, 2006.

Enclosed, please find one original and two copies of Resolution No. 2006-72 for your use. One of the copies is to be forwarded to the attention of Gas 1, DG2E.

Again, we appreciate the opportunity we have had to provide support of this worthwhile project.

Sincerely,

Debra Jackson  
City Clerk

Enclosures (3)  
Cc: CA State Lands Comm.  
File  
Kathleen Russeth

## Local Agencies

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LA12-1

LA12-1

The City of Imperial's comments and resolution expressing support for the proposed Project, as well as the acknowledgement of North Baja's efforts to make information and presentations available in regards to the North Baja Pipeline Expansion Project, are noted.

**RESOLUTION NO. 2006-72**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,  
IMPERIAL COUNTY, CALIFORNIA, IN SUPPORT OF THE PROPOSED  
NORTH BAJA PIPELINE EXPANSION PROJECT**

Whereas, North Baja Pipeline LLC has proposed a modification to and an expansion of their existing pipeline to allow for the importation of Liquefied Natural Gas (LNG) sourced gas into Southern California, and the construction of a new pipeline lateral from the existing North Baja Pipeline system to the Imperial Irrigation District El Centro Generating Station in El Centro, California; and

Whereas, North Baja Pipeline is currently pursuing permits for this project with the Federal Energy Regulatory Commission and the California State Lands Commission and these permits are being reviewed by these agencies in Dockets CP06-61-000 and CP01-23-003; and

Whereas the Federal Energy Regulatory Commission and the California State Lands Commission and other Cooperating Agencies have recently issued a Draft Environmental Impact Statement/ Draft Environmental Impact Report which has reviewed the potential environmental impacts of this proposed project; and

Whereas Southern California would benefit from this proposed Project by gaining access to a new source of natural gas to replace gas from traditional domestic sources that are projected to decline in the future, by the anticipated moderating impact this new source of gas will have on natural gas prices because of the competition with traditional sources, and by improving reliability of supply to the region because gas will be delivered to California on an entirely new pipeline transportation path; and

Whereas Imperial County and the City of Imperial would benefit from the proposed project by receiving an increase in property taxes from the Project of as much as \$2.5 million per year, by the improved reliability of gas supply to the Imperial Irrigation Districts El Centro Generating Station from the new pipeline lateral, and from the more direct access to the anticipated lower cost LNG sourced gas; and

Whereas the Draft Environmental Impact Statement/ Environmental Impact Report summarizes that "if the project is constructed in accordance with applicable laws and regulations, North Baja's proposed mitigation, and the Agency Staff's additional mitigation recommendations, it would be an environmentally acceptable action;" and

Whereas the City of Imperial is concerned about the potential impact of air quality from the Project, and the Draft Environmental Impact Statement/ Environmental Impact Report indicates that the only direct air quality impact of the proposed Project would be from fugitive dust created during the construction phase and that "With the implementation of North Baja's revised Dust Control plan, fugitive dust from Project construction activities is not expected to result in a violation of Federal or State ambient

## Local Agencies

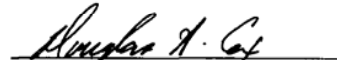
12

air quality standards or contribute substantially to an existing or projected air quality violation due to the transient and temporary nature of the construction activities:" and

Whereas, the Draft Environment Impact Statement/ Environmental Impact Report reviewed the potential air quality impacts of the compressor stations that will need to be constructed on the upstream pipeline by Gasoducto Bajanorte and concluded "it is unlikely that emissions from these proposed stations would result in any significant cumulative ambient air quality impacts at receptors in the vicinity of or across the U. S. border" and further, as a result of a Health Risk Assessment conducted as a part of the Draft Environmental Impact Statement/ Environmental Impact Report on the potential impacts of the toxic air pollutants emitted by the existing power plants in Mexicali, and the proposed compressor stations, it was concluded that "the cumulative risks associated with the emissions from the existing power plants and the future compressor stations would be considered less than significant."

Therefore, we, the City Council of the City of Imperial, County of Imperial, California do hereby declare our support for the proposed North Baja Pipeline Expansion Project, and direct the City Manager to file this Resolution in support with the Federal Energy Regulatory Commission and the California State Lands Commission.

Signed this 1st day of November, 2006.

  
Doug Cox, Mayor

ATTEST:

  
Debra Jackson, City Clerk

## Local Agencies

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## Local Agencies

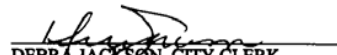
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STATE OF CALIFORNIA)  
COUNTY OF IMPERIAL )ss  
CITY OF IMPERIAL )

I, the undersigned, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2006-72 was duly and regularly adopted at a regular meeting of the Imperial City Council held on the 1<sup>st</sup> day of November 2006, by the following vote:

AYES: GRAN, SAMPSON, AND COX  
NAYES: NONE  
ABSENT: DALE AND MAZEROLL  
ABSTAIN: NONE

MOTION CARRIED 3-0

  
DEBRA JACKSON, CITY CLERK  
CITY OF IMPERIAL, CALIFORNIA



ORIGINAL

*Holtville Chamber of Commerce and Agriculture*

101 WEST FIFTH STREET • HOLTVILLE, CA 92250 • (760) 356-2923 • FAX (760) 356-2925

Margalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First St. NE: Room 1A  
Washington, DC 20426

Re: Docket Nos. CP06-61-000 and CP01-23-003

Dear Ms. Salas:

LA13-1 The City of Holtville Chamber of Commerce wants to indicate its support for the proposed North Baja Pipeline Expansion Project.

We believe that this project will be good for the Imperial Valley because it will:

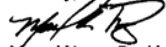
1. Provide a new supply of natural gas from LNG that is able to supplement the declining supplies of natural gas that have historically provided gas to Southern California,
2. Help to hold down the cost of natural gas as the LNG suppliers compete with traditional natural gas suppliers,
3. Improved reliability to Southern California because of the different route and source of supply to get gas from producers to Southern California, and
4. Add significant additional property tax revenue to Imperial County with little or no need for services from the county.

We also believe that the pipeline lateral from the North Baja Pipeline system to El Centro will be good for Imperial County because it will:

1. Improve the reliability of the Imperial Irrigation District's El Centro Generating Station by providing a different pipeline route and source of supply to the plant,
2. Help IID hold down electric rates by providing access to LNG sourced natural gas that is likely to be less expensive than gas from traditional sources, and
3. Provide increased pipeline capacity to Imperial County that will allow further business development to provide new jobs for an area that currently and historically has a high unemployment rate.

Please make this letter of support a portion of the official record for this proposed project.

Sincerely,



Manuel Nunez, President  
Holtville Chamber of Commerce



THE CARROT  
CAPITAL  
OF THE  
WORLD

## Local Agencies

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LA13-1 The Holtville Chamber of Commerce and Agriculture's comments expressing support for the proposed Project are noted.

ORIGINAL

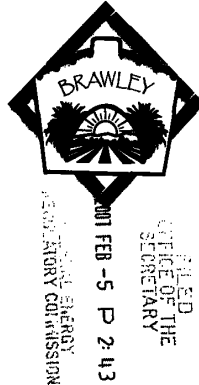
## Chamber of Commerce

January 25, 2007

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First St. NE: Room 1A  
Washington, DC 20426

Re: Docket Nos. CP06-61-000 and CP01-23-003

Dear Ms. Salas:



LA14-1

On behalf of the Brawley Chamber of Commerce please accept this letter as our support for the proposed North Pipeline Expansion Project.

We believe that this project will be good for the Imperial Valley because it will:

1. Provide a new supply of natural gas from LNG that is able to replace the declining supplies of natural gas that have historically provided gas to Southern California,
2. Help to hold down the cost of natural gas as the LNG suppliers compete with traditional natural gas suppliers,
3. Improve reliability to Southern California because of the different route and source of supply to get gas from producers to Southern California, and
4. Add significant additional property tax revenue to Imperial County with little or no need for services from the county.

We also believe that the pipeline lateral from the North Baja Pipeline system to El Centro will be good for Imperial County because it will:

1. Improve the reliability of the Imperial Irrigation District's El Centro Generating Station by providing a different pipeline route and source of supply to the plant,
2. Help IID hold down electric rates by providing access to LNG sourced natural gas is likely to be less expensive than gas from traditional sources, and
3. Provide increased pipeline capacity to Imperial County that will allow further business development to provide new jobs for an area that currently and historically has a high unemployment rate.

Please make this letter of support a portion of the official record for this project.

Sincerely,

Sue Giller  
President

204 S. Imperial Avenue • P.O. Box 218 • Brawley, CA 92227 • (760) 344-3160 • Fax (760) 344-7611  
www.brawleychamber.com • chamber@brawleychamber.com

## Local Agencies

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LA14-1

The Brawley Chamber of Commerce's comments expressing support for the proposed Project are noted.

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

North Baja Pipeline, LLC        )  
  )       Docket No. CP06-61-000  
  )       Docket No. CP01-23-003

**MOTION TO INTERVENE  
OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

LA15-1

Pursuant to the Public Notice issued in the captioned proceeding on September 22, 2006, and the Federal Energy Regulatory Commission's ("Commission") rules, 18 C.F.R., Sections 157.10(a)(2), 380.10(a)(1)(i), and 385.214, the South Coast Air Quality Management District ("District") hereby moves to intervene in the above-referenced proceeding on environmental grounds raised by this application, including issues concerning the North Baja Pipeline Expansion Project ("the Project") Draft Environmental Impact Statement/Environmental Impact Report and Draft Land Use Plan Amendment (September 22, 2006) ("Draft EIS").

**I. THE DISTRICT'S INTEREST IN THE PROCEEDING**

The District has a strong interest in this proceeding. The District is the governmental body principally charged with regulating air pollution in the South Coast Air Basin ("the Basin") in Southern California. The District's jurisdiction over the Basin includes Los Angeles, Orange, and portions of Riverside and San Bernardino Counties. The District represents the air quality interests of over 16 million people living within the Basin.

The proposed Project would have important impacts on the District's efforts to attain the federally-established national ambient air quality standards in the Basin. *See* 42 U.S.C. § 7410 (provision of the federal Clean Air Act requiring states to adopt plans that will achieve the standards). In particular, the District is concerned that the proposed Project would bring into the Basin large quantities of imported natural gas of a quality that, when combusted, would result in

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## Local Agencies

# 15

LA15-1

The SCAQMD's interest in this proceeding and concern regarding the impacts of the proposed Project on air quality in the SCAB are noted. The SCAQMD has been added to the FERC's official service list for this proceeding.

# Local Agencies

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LA15-1  
(cont'd)

increased emissions of nitrogen oxide. These increased emissions would make the attainment of the federal air quality standard for ozone more difficult.

The District's participation in this proceeding is in the public interest. The federal ambient air quality standard for ozone is exceeded approximately 100 days per year in the Basin. The ozone standard is exceeded by 175 to 250 percent, and children in southern California have eight percent less lung capacity due, in part, to poor air quality. A 48 percent reduction in nitrogen oxide is required to meet the least-stringent federal ozone standard. Thus, any increase in NOx emissions caused by the proposed Project would impose increased health risks to the public and would therefore be unacceptable.

The Commission's rules confer upon the District a right to participate in the proceeding. *See* 18 C.F.R. §§ 157.10(a)(2), 380.10(a)(1)(i), and Commission Rule 214, 18 C.F.R. § 385.214.

## II. COMMUNICATIONS

The names and offices of persons to whom correspondence in regard to this proceeding should be addressed are as follows:

Harvey L. Reiter, Esq.  
David D'Alessandro, Esq.  
Stinson Morrison Hecker LLP  
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Washington, DC 20036-3816  
Tel: (202) 728-3016  
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Daniel P. Selmi, Esq.  
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Kurt R. Wiese, Esq.  
Michael R. Harris, Esq.  
South Coast Air Quality  
Management District  
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Deborah L. Keeth, Esq.  
Shute, Mihaly & Weinberger LLP  
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San Francisco, CA 94102  
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Fax: (415) 552-5816  
E-mail: [keeth@smwlaw.com](mailto:keeth@smwlaw.com)

LA15-2 **III. THE DISTRICT'S POSITION IN THE PROCEEDING**

The District seeks to ensure that the proposed Project fully complies with National Environmental Policy Act ("NEPA"), the California Environmental Quality Act ("CEQA"), the conformity provisions of the Clean Air Act, Section 176 (42 U.S.C. § 7506), and other applicable federal environmental laws affecting air quality. The proposed Project will result in significant air quality impacts, including increased NOx emissions in the Basin. Because the District will submit a detailed comment letter describing the proposed Project's significant air quality impacts and evaluating the Draft EIS prior to the close of the public comment period, we do not provide that detail herein.

**IV. THE DISTRICT'S MOTION IS TIMELY**

A motion to intervene in a proceeding based on environmental grounds is timely "as long as it is filed within the comment period for the draft environmental impact statement" for the project at issue in the proceeding. 18 C.F.R. § 157.10(a)(2); *See also* 18 C.F.R. § 380.10(a)(i). The comment period for the Draft EIS prepared for the Project at issue in this proceeding runs from September 22, 2006 to December 28, 2006. *See* Notice of Availability/Completion of Draft EIS (Sept. 22, 2006). Thus, the District's Motion to Intervene in the proceeding is timely.

**CONCLUSION**

Based on the foregoing, the District respectfully moves to intervene in the proceedings, with full rights to participate as a party in the proceeding.

## Local Agencies

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LA15-2 In a letter dated December 28, 2006, the SCAQMD submitted its detailed comments on the draft EIS/EIR (see comment letter LA16). See the responses to comments LA16-1 to LA16-16 for the Agency Staffs' responses to the detailed comments.

Respectfully submitted,

/s/ Harvey L. Reiter  
Harvey L. Reiter, Esq.  
David D'Alessandro, Esq.  
Stinson Morrison Hecker LLP  
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Washington, DC 20036-3816  
Tel: (202) 728-3016  
Fax: (888) 704-8304  
[hreiter@stinsonmoheck.com](mailto:hreiter@stinsonmoheck.com)

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Michael R. Harris, Esq.  
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Fax: (415) 552-5816  
E-mail: [keeth@smwlaw.com](mailto:keeth@smwlaw.com)

**Attorneys for the  
South Coast Air Quality Management District**

Dated: November 28, 2006

## Local Agencies

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served, via electronic mail or first class mail, a copy of the foregoing document upon each party on the official service listed compiled by the Secretary in these proceedings.

Dated at Washington, D.C., this 28th day of November, 2006.

/s/ Harvey L. Reiter  
Harvey L. Reiter

**Local Agencies****15**